



**RECOMMENDING COMMITTEE AGENDA**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THIS MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED AT [www.kclv.tv](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB WEDNESDAY AT 5:00 PM, THURSDAY AT 12:00 NOON AND SATURDAY AT 6:00 AM.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

**MINUTES:**

MAYOR GOODMAN called the meeting to order at 4:02 p.m. to consider Bill No. 2002-65 (Item 1), and COUNCILMAN WEEKLY reconvened the meeting at 4:21 p.m. to consider the remaining Bills (Items 2-6).

PRESENT: MAYOR GOODMAN (4:02-4:19) and MEMBERS REESE (4:02-4:19), M. McDONALD (4:02-4:19), BROWN (4:02-4:19), L.B. McDONALD (4:02-4:19), WEEKLY, and MACK

Also Present: ACTING CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS (4:02-4:19), DEPUTY CITY MANAGER BETSY FRETWELL (4:02-4:19), CITY ATTORNEY BRAD JERBIC (4:02-4:19 via telephone), CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK BARBARA JO (RONI) RONEMUS (4:02-4:19), DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER, and DEPUTY CITY CLERK ANGELA CROLLI

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:  
Las Vegas Library, 833 Las Vegas Boulevard North  
Senior Citizens Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Pkwy  
Court Clerk's Bulletin Board, City Hall  
City Hall Plaza, Posting Board

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE**

**DIRECTOR: BRADFORD R. JERBIC**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**NEW BILLS:**

**Bill No. 2002-65** – Adjusts the ward boundaries of the City. Proposed by: Bradford R. Jerbic, City Attorney

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

This bill will adjust the ward boundaries in accordance with a redistricting proposal approved by the City Council on May 1, 2002.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-65 and Ward Map

Submitted at the meeting: Revised Recommended Plan Three and Proposed First Amendment

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN REESE recommended Bill 2002-65 be forwarded to the Full Council with a “Do Pass” recommendation as a Proposed First Amendment. COUNCILMEMBERS GOODMAN, M. McDONALD, BROWN, L.B. McDONALD, WEEKLY, and MACK concurred.**

**MINUTES:**

MAYOR GOODMAN declared the Public Hearing open.

JUDGE JOHN KESSLER explained that a map was submitted earlier to the Council that was revised to move Precinct No. 6345 from Ward 1 to Ward 2. This precinct was relocated because the initial map did not fall within the purview and the limits of the charter ordinance, which limited the deviations at any one time of not more than 5%. He recommended the revised map be forwarded to the Council for adoption.

RECOMMENDING COMMITTEE MEETING OF JUNE 3, 2002

City Attorney

Item 1 – Bill No. 2002-65

**MINUTES – Continued:**

JUDGE KESSLER stated that he was very impressed with how well integrated the City of Las Vegas is, the tolerance for people of all races, and the fact that African-Americans can get elected in districts that are overwhelmingly Caucasian, while at the same time having many people of other races residing in other districts. The City should be very proud for its record of tolerance and of willingness to judge people on their merits and not their race.

The major change, as a result of the entire redistricting process, is that the first district with a Hispanic majority of 52.1% will be created. This complies with the spirit of this community and that of the Voting Rights Act.

He noted that the count is accurate, based on the U.S. Census numbers rather than the estimated, which puts the City on a better legal footing. He opined that redistricting using the Census count immediately after would avoid a lawsuit potentially by leadership in the Hispanic community.

The biggest problem for redistricting in this town continues to be the staggered terms of the members of the Council. Because of the continued growth and the fact that the even numbered seats are on the far west end and the odd numbered seats are in the central area and the east end of the district, there is always going to be a situation in which a handful of registered voters are not going to exercise their right to vote.

JUDGE KESSLER noted that the impact that was pointed out by residents of the Charleston Heights area has been corrected. He felt comfortable with the recommended redistricting plan and that it would sustain any challenge.

CITY ATTORNEY JERBIC interjected that the map presented to the Council approximately two months ago is inaccurate in that it is off by 6.3% between wards. Based on that fact, staff does not recommend approval of that map. The map submitted at this meeting corrects the imbalance and brings it down to slightly under 5%, which is required by Charter. However, if the Council prefers any other alternatives, staff would be happy to pursue those.

COUNCILWOMAN McDONALD questioned which precincts would become disenfranchised, noting that the voters of those districts were able to vote in the 1999 Municipal Election because they were previously in Ward 1. JUDGE KESSLER answered that those Precincts would be numbers 6343, 6344, 6345, and 6350, and those voters will go for a six-year period without voting.

RECOMMENDING COMMITTEE MEETING OF JUNE 3, 2002

City Attorney

Item 1 – Bill No. 2002-65

**MINUTES – Continued:**

COUNCILWOMAN McDONALD asked if there is any other way to redistrict to be in compliance with the 5% requirement of the Charter that would not disenfranchise any of the voters. JUDGE KESSLER responded that he did try to accomplish that, but it was not possible because the end result was very disruptive.

MAYOR GOODMAN confirmed that the plan meets the following: the one person, one vote requirement set by the United States Supreme Court; the City of Las Vegas Charter limitations; and Section Two of the Voting Rights Act. JUDGE KESSLER noted that the deviation is under 5% where the U.S. Supreme Court in Brown vs. Thompson allows a 10% deviation. The Voting Rights Act is also met, as all the requirements of the Gingles vs. Thornberg case were met, and the map basically creates situations where minorities that are concentrated and who have been historically underrepresented have the opportunity to elect a candidate of their choice.

MAYOR GOODMAN asked if it is constitutional to create a situation where some voters will not be able to vote for a Council member in the next election. JUDGE KESSLER indicated that the Seventh and Ninth Circuit Courts, as well as other Circuit Courts, have dealt with the issue on State Senate four-year staggered terms, and in Oregon vs. Kissling under the Ninth Circuit Court, which controls Nevada, the Court decided that it is one of the side effects of redistricting, but that a person's rights are not deprived. JUDGE KESSLER opined that the only solution that would avoid that problem is to have non-staggered terms. He agreed with MAYOR GOODMAN that the justification for staggered terms is to have a continuum in the institution of the government, because there is always a fear among the people that a total changeover would cause a loss of institutional wisdom.

AL GALLEGOS, Las Vegas resident, questioned the definition of the term Caucasian. JUDGE KESSLER answered that the Census Bureau uses that term to define persons of European extraction. But it also applies to people of European extraction who settled in South America and Central America. The Census Bureau definitions generally are African-American, Hispanic, and Caucasian (non-Hispanic white). For the purposes of redistricting, the Census statistics and racial categories were used: White as defined in non-Hispanic White, Black as defined in non-Hispanic Black, and Hispanic as defined as Hispanic.

MR. GALLEGOS said that when he was going to school there were only five categories. He considers himself Caucasian, yet he is being classified differently.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(4:03 – 4:19)

**1-20**

**RECESS: 4:19-4:21 P.M.**

**AGENDA SUMMARY PAGE****RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE****DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILLS:

**Bill No. 2002-61** – Annexation No. A-0027-01(A) – Property location: On the south side of Grand Teton Road, approximately 340 feet west of Larry McBryde Street; Petitioned by: City of Las Vegas; Acreage: 5.21 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent).  
Sponsored by: Councilman Michael Mack

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the south side of Grand Teton Road, approximately 340 feet west of Larry McBryde Street. The annexation is at the request of the City, as lessee, with the concurrence of the Bureau of Land Management as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 28, 2002) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-61 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2002-61 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

No one appeared in opposition.

There was no further discussion.

RECOMMENDING COMMITTEE MEETING OF JUNE 3, 2002  
City Attorney's Office  
Item 2 – Bill No. 2002-61

**MINUTES – Continued:**

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21 – 4:22)

**1-517**

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE**

**DIRECTOR: BRADFORD R. JERBIC**

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**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**NEW BILLS:**

**Bill No. 2002-62** – Annexation No. A-0078-01(A) – Property location: On the northeast corner of Regena Avenue and El Capitan Way; Petitioned by: City of Las Vegas; Acreage: 1.27 acres; Zoned: R-E (County zoning), U (ML) (City equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the northeast corner of Regena Avenue and El Capitan Way. The annexation is at the request of the City as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 28, 2002) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-62 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2002-62 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22)

**1-541**

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**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE**

**DIRECTOR: BRADFORD R. JERBIC**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**NEW BILLS:**

**Bill No. 2002-63** – Annexation No. A-0087-01(A) – Property location: On the northeast corner of Juliano Road and Azure Way; Petitioned by: City of Las Vegas; Acreage: 2.55 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the northeast corner of Juliano Road and Azure Way. The annexation is at the request of the City as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 28, 2002) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-63 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2002-63 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22)

1-554



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE**

**DIRECTOR: BRADFORD R. JERBIC**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**NEW BILLS:**

**Bill No. 2002-64** – Annexation No. A-0090-01(A) – Property location: On the northwest corner of Jones Boulevard and Elkhorn Road; Petitioned by: Alan B. Andrews, et al.; Acreage: 39.95 acres; Zoned: R-E (County zoning), U (DR) (City equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the northwest corner of Jones Boulevard and Elkhorn Road. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 28, 2002) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-64 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2002-64 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22 – 4:23)

1-567

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

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**DEPARTMENT: CITY ATTORNEY'S OFFICE**

**DIRECTOR: BRADFORD R. JERBIC**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**NEW BILLS:**

**Bill No. 2002-66** – Updates the Municipal Code provisions regarding the purpose of the various zoning districts to provide that the C-D Zoning District is consistent with the “Office” category of the General Plan. Proposed by: Robert S. Genzer, Director of Planning and Development

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The C-D Zoning District currently is consistent with the “Service Commercial” and “Neighborhood Center” categories of the General Plan, but not the “Office” category. It is believed that the uses allowable in the C-D District are compatible with the objectives of the “Office” category, and this bill will accomplish the change.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2002-66

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2002-66 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this Bill involves the update of the zoning regulations, which currently indicate that the C-D Zoning District is consistent with the Service Commercial and Neighborhood Center categories, but not with the Office category. After review of those uses, staff suggested that the Code should indicate that the C-D Zoning District is also compatible with the Office category of the land use plan.

At the request of COUNCILMAN WEEKLY, MR. STEED indicated that C-D stands for Design Commercial.

RECOMMENDING COMMITTEE MEETING OF JUNE 3, 2002

City Attorney

Item 6 – Bill No. 2002-66

**MINUTES – Continued:**

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:23 – 4:24)

**1-581**



**RECOMMENDING COMMITTEE AGENDA**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2002**

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

**MINUTES:**

None

(4:24)

**1-613**

**THE MEETING ADJOURNED AT 4:24 P.M.**

Respectfully submitted: \_\_\_\_\_

GABRIELA S. PORTILLO-BRENNER

June 4, 2002